

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case

01-CA-124061

Date Filed

March 7, 2014

INSTRUCTIONS

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Restaurant Associates at Harvard Law School		b. Tel. No. 617 495 5539
d. Address (street, city, state, ZIP code) 1563 Massachusetts Avenue Cambridge, MA 02138	e. Employer Representative Dave Danells, General Manager	f. Fax No. g. E-mail DDanells@restaurantassociates.com h. Number of workers employed
i. Type of Establishment (factory, mine, wholesaler, etc.) Food Service	j. Identify principal product or service Food Service	

k. The above-named employers have engaged in and are engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 8(a)(5) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Within the past six months, Restaurant Associates violated 8(a)(1) and 8(a)(5) by retaliating against (b) (6), (b) (7)(C) while (b) (6), (b) (7)(C) acted as a Union representative and was engaged in protected concerted union activity.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

UNITE HERE Local 26

4c. Address (street and number, city, state and ZIP code)

UNITE HERE Local 26
33 Harrison Avenue, Fourth Floor
Boston MA 02111

4a. Telephone No.

617-832-6699

4b. Cell No.

(b) (6), (b) (7)(C)

4d. Fax No.

617-426-7684

4e. E-mail

epaster@local26.org

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization. UNITE HERE INTERNATIONAL UNION)

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By [Signature]
(Signature of representative or person making charge)

Even Poster, Local Organizer
(Print/type name and title or office, if any)

Tel. No.

Office, if any, Cell No.

Fax No.

E-mail

Address 33 Harrison Ave 4th Fl Boston, MA 02111

Date 3/7/14

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRB), 29 U.S.C. § 151 et. Seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 1
10 Causeway St Fl 6
Boston, MA 02222-1001

Agency Website: www.nlrb.gov
Telephone: (617)565-6700
Fax: (617)565-6725

March 10, 2014

DAVE DANELLS, GENERAL MANAGER
RESTAURANT ASSOCIATES AT HARVARD LAW SCHOOL
1563 MASSACHUSETTS AVE
CAMBRIDGE, MA 02138

Re: Restaurant Associates at Harvard Law School
Cases 01-CA-124043 & 01-CA-124061

Dear Mr. Danells:

Enclosed are copies of two (2) charges that have been filed in these cases. This letter tells you how to contact the Board agent who will be investigating the charges, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: These charges are being investigated by Field Examiner Hilary A. Bede whose telephone number is (617) 565-6744. If this Board agent is not available, you may contact Deputy Regional Attorney Robert Redbord whose telephone number is (617) 565-6748.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in these cases, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the cases can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be

considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.


We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



Jonathan B. Kreisberg
Regional Director

JBK/ln

Enclosures:

1. Copies of Charges
2. Commerce Questionnaire

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**RESTAURANT ASSOCIATES AT HARVARD
LAW SCHOOL**

Charged Party

and

UNITE HERE, LOCAL 26

Charging Party

Case 01-CA-124043 & 01-CA-124061

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on March 10, 2014, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

DAVE DANELLS, GENERAL MANAGER
RESTAURANT ASSOCIATES AT HARVARD LAW SCHOOL
1563 MASSACHUSETTS AVE
CAMBRIDGE, MA 02138

March 10, 2014

Date

Lily Nguyen, Designated Agent of NLRB

Name

/s/ Lily Nguyen

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

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10 Causeway St Fl 6
Boston, MA 02222-1001

Agency Website: www.nlr.gov
Telephone: (617)565-6700
Fax: (617)565-6725

March 10, 2014

EVAN PASTER, LEAD ORGANIZER
UNITE HERE, LOCAL 26
33 HARRISON AVE., 4TH FLOOR
BOSTON, MA 02111-2008

Re: Restaurant Associates at Harvard Law School
Cases 01-CA-124043 & 01-CA-1240461

Dear Mr. Paster:

The charges that you filed in these cases on March 07, 2014 have been docketed as case numbers 01-CA-124043 & 01-CA-124061. This letter tells you how to contact the Board agent who will be investigating the charges, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

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Presentation of Your Evidence: As the party who filed the charges in these cases, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charges may be dismissed without investigation.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charges.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jonathan Kreisberg", written in a cursive style.

Jonathan B. Kreisberg
Regional Director

JBK/ln

cc: RICHARD G. MCCrackEN, GENERAL COUNSEL
UNITE HERE
275 7TH AVENUE
NEW YORK, NY 10001-6708

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case

01-CA-124043

Date Filed

March 7, 2014

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d. Address (street, city, state, ZIP code) 1563 Massachusetts Avenue Cambridge, MA 02138	e. Employer Representative Dave Danells, General Manager	c. Cell No. f. Fax No. g. E-mail DDanells@restaurantassociates.com h. Number of workers employed
i. Type of Establishment (factory, mine, wholesaler, etc.) Food Service	j. Identify principal product or service Food Service	

k. The above-named employers have engaged in and are engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (1st subsections) 8(a)(5) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Within the past six months, Restaurant Associates violated 8(a)(1) and 8(a)(5) by failing to provide UNITE HERE Local 26 with information necessary to prosecute a grievance filed on behalf of a terminated employee, (b) (6), (b) (7)(C).

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

UNITE HERE Local 26

4c. Address (street and number, city, state and ZIP code)

UNITE HERE Local 26
33 Harrison Avenue, Fourth Floor
Boston MA 02111

4a. Telephone No.

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4e. E-mail

epaster@local26.org

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization. UNITE HERE INTERNATIONAL UNION)

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By Erin Paster
(Signature of representative or person making charge)

Erin Paster Lead Organizer
(Print/type name and title or office, if any)

Tel. No.

Office, if any, Cell No.

Fax No.

E-mail

Address 33 Harrison Ave, 4th Fl Boston, MA 02111

Date

3/7/14

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March 10, 2014

DAVE DANELLS, GENERAL MANAGER
RESTAURANT ASSOCIATES AT HARVARD LAW SCHOOL
1563 MASSACHUSETTS AVE
CAMBRIDGE, MA 02138

Re: Restaurant Associates at Harvard Law School
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Dear Mr. Danells:

Enclosed are copies of two (2) charges that have been filed in these cases. This letter tells you how to contact the Board agent who will be investigating the charges, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

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Very truly yours,



Jonathan B. Kreisberg
Regional Director

JBK/ln

Enclosures:

1. Copies of Charges
2. Commerce Questionnaire

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**RESTAURANT ASSOCIATES AT HARVARD
LAW SCHOOL**

Charged Party

and

UNITE HERE, LOCAL 26

Charging Party

Case 01-CA-124043 & 01-CA-124061

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DAVE DANELLS, GENERAL MANAGER
RESTAURANT ASSOCIATES AT HARVARD LAW SCHOOL
1563 MASSACHUSETTS AVE
CAMBRIDGE, MA 02138

March 10, 2014

Date

Lily Nguyen, Designated Agent of NLRB

Name

/s/ Lily Nguyen

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 1
10 Causeway St Fl 6
Boston, MA 02222-1001

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March 10, 2014

EVAN PASTER, LEAD ORGANIZER
UNITE HERE, LOCAL 26
33 HARRISON AVE., 4TH FLOOR
BOSTON, MA 02111-2008

Re: Restaurant Associates at Harvard Law School
Cases 01-CA-124043 & 01-CA-1240461

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Very truly yours,

A handwritten signature in black ink, appearing to read "Jonathan Kreisberg", written in a cursive style.

Jonathan B. Kreisberg
Regional Director

JBK/ln

cc: RICHARD G. MCCrackEN, GENERAL COUNSEL
UNITE HERE
275 7TH AVENUE
NEW YORK, NY 10001-6708



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 1
10 Causeway St Fl 6
Boston, MA 02222-1001

Agency Website: www.nlr.gov
Telephone: (617)565-6700
Fax: (617)565-6725

April 2, 2014

DIANE KRISTEN, SENIOR LABOR COUNSEL
2400 YORKMONT ROAD
CHARLOTTE, NC 28217-4511

Re: RESTAURANT ASSOCIATES AT
HARVARD LAW SCHOOL
Case 01-CA-124043

RESTAURANT ASSOCIATES AT
HARVARD LAW SCHOOL
Case 01-CA-124061

Dear Ms. Kristen:

This is to advise you that I have approved the withdrawal of the charges in the above cases.

Very truly yours,

/s/ Jonathan B. Kreisberg

JONATHAN B. KREISBERG
Regional Director

cc:

DAVE DANELLS
GENERAL MANAGER
RESTAURANT ASSOCIATES AT
HARVARD LAW SCHOOL
1563 MASSACHUSETTS AVE
CAMBRIDGE, MA 02138

RICHARD G. MCCrackEN,
GENERAL COUNSEL
UNITE/HERE
275 7TH AVENUE
NEW YORK, NY 10001-6708

EVAN PASTER, LEAD ORGANIZER
UNITE/HERE, LOCAL 26
33 HARRISON AVE., 4TH FLOOR
BOSTON, MA 02111-2008

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

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Case
01-CA-124061

Date Filed
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INSTRUCTIONS

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a. Name of Employer Restaurant Associates at Harvard Law School		b. Tel. No. 617 495 5539
d. Address (street, city, state, ZIP code) 1563 Massachusetts Avenue Cambridge, MA 02138	e. Employer Representative Dave Danells, General Manager	f. Cell No. g. E-mail DDanells@restaurantassociates.com h. Number of workers employed
i. Type of Establishment (factory, mine, wholesaler, etc.) Food Service	j. Identify principal product or service Food Service	

k. The above-named employers have engaged in and are engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 8(a)(5) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Within the past six months, Restaurant Associates violated 8(a)(1) and 8(a)(5) by retaliating against (b) (6), (b) (7)(C) while (b) (6) acted as a Union representative and was engaged in protected concerted union activity.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

UNITE HERE Local 26

4c. Address (street and number, city, state and ZIP code)

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33 Harrison Avenue, Fourth Floor
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4a. Telephone No.

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6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By [Signature]
(Signature of representative or person making charge)

Even Poster, Local Organizer
(Print/type name and title or office, if any)

Tel. No.

Office, if any, Cell No.

Fax No.

E-mail

Address 33 Harrison Ave 4th Fl Boston, MA 02111

Date 3/7/14

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March 10, 2014

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considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

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We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



Jonathan B. Kreisberg
Regional Director

JBK/ln

Enclosures:

1. Copies of Charges
2. Commerce Questionnaire

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**RESTAURANT ASSOCIATES AT HARVARD
LAW SCHOOL**

Charged Party

and

UNITE HERE, LOCAL 26

Charging Party

Case 01-CA-124043 & 01-CA-124061

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on March 10, 2014, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

DAVE DANELLS, GENERAL MANAGER
RESTAURANT ASSOCIATES AT HARVARD LAW SCHOOL
1563 MASSACHUSETTS AVE
CAMBRIDGE, MA 02138

March 10, 2014

Date

Lily Nguyen, Designated Agent of NLRB

Name

/s/ Lily Nguyen

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 1
10 Causeway St Fl 6
Boston, MA 02222-1001

Agency Website: www.nlrb.gov
Telephone: (617)565-6700
Fax: (617)565-6725

March 10, 2014

EVAN PASTER, LEAD ORGANIZER
UNITE HERE, LOCAL 26
33 HARRISON AVE., 4TH FLOOR
BOSTON, MA 02111-2008

Re: Restaurant Associates at Harvard Law School
Cases 01-CA-124043 & 01-CA-1240461

Dear Mr. Paster:

The charges that you filed in these cases on March 07, 2014 have been docketed as case numbers 01-CA-124043 & 01-CA-124061. This letter tells you how to contact the Board agent who will be investigating the charges, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: These charges are being investigated by Field Examiner Hilary A. Bede whose telephone number is (617) 565-6744. If the Board agent is not available, you may contact Deputy Regional Attorney Robert Redbord whose telephone number is (617) 565-6748.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in these cases, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charges in these cases, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charges may be dismissed without investigation.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charges.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jonathan Kreisberg", written in a cursive style.

Jonathan B. Kreisberg
Regional Director

JBK/ln

cc: RICHARD G. MCCrackEN, GENERAL COUNSEL
UNITE HERE
275 7TH AVENUE
NEW YORK, NY 10001-6708

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case

01-CA-124043

Date Filed

March 7, 2014

INSTRUCTIONS

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Restaurant Associates at Harvard Law School		b. Tel. No. 617 495 5539
d. Address (street, city, state, ZIP code) 1563 Massachusetts Avenue Cambridge, MA 02138	e. Employer Representative Dave Danells, General Manager	c. Cell No. f. Fax No. g. E-mail DDanells@restaurantassociates.com h. Number of workers employed
i. Type of Establishment (factory, mine, wholesaler, etc.) Food Service	j. Identify principal product or service Food Service	

k. The above-named employers have engaged in and are engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (1st subsections) 8(a)(5) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2 Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Within the past six months, Restaurant Associates violated 8(a)(1) and 8(a)(5) by failing to provide UNITE HERE Local 26 with information necessary to prosecute a grievance filed on behalf of a terminated employee, (b) (6), (b) (7)(C).

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

UNITE HERE Local 26

4c. Address (street and number, city, state and ZIP code)

UNITE HERE Local 26
33 Harrison Avenue, Fourth Floor
Boston MA 02111

4a. Telephone No.

617-832-6699

4b. Cell No.**4d. Fax No.**

617-426-7684

4e. E-mail

epaster@local26.org

5 Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization. UNITE HERE INTERNATIONAL UNION)**6 DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By Erin Paster
(Signature of representative or person making charge)

Erin Paster Lead Organizer
(Print/type name and title or office, if any)

Tel. No.

Office, if any, Cell No.

Fax No.

E-mail

Address 33 Harrison Ave, 4th Fl Boston, MA 02111

Date

3/7/14**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)****PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRB), 29 U.S.C. § 151 et. seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 1
10 Causeway St Fl 6
Boston, MA 02222-1001

Agency Website: www.nlrb.gov
Telephone: (617)565-6700
Fax: (617)565-6725

March 10, 2014

DAVE DANELLS, GENERAL MANAGER
RESTAURANT ASSOCIATES AT HARVARD LAW SCHOOL
1563 MASSACHUSETTS AVE
CAMBRIDGE, MA 02138

Re: Restaurant Associates at Harvard Law School
Cases 01-CA-124043 & 01-CA-124061

Dear Mr. Danells:

Enclosed are copies of two (2) charges that have been filed in these cases. This letter tells you how to contact the Board agent who will be investigating the charges, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: These charges are being investigated by Field Examiner Hilary A. Bede whose telephone number is (617) 565-6744. If this Board agent is not available, you may contact Deputy Regional Attorney Robert Redbord whose telephone number is (617) 565-6748.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in these cases, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the cases can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be

considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



Jonathan B. Kreisberg
Regional Director

JBK/ln

Enclosures:

1. Copies of Charges
2. Commerce Questionnaire

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**RESTAURANT ASSOCIATES AT HARVARD
LAW SCHOOL**

Charged Party

and

UNITE HERE, LOCAL 26

Charging Party

Case 01-CA-124043 & 01-CA-124061

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on March 10, 2014, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

DAVE DANELLS, GENERAL MANAGER
RESTAURANT ASSOCIATES AT HARVARD LAW SCHOOL
1563 MASSACHUSETTS AVE
CAMBRIDGE, MA 02138

March 10, 2014

Date

Lily Nguyen, Designated Agent of NLRB

Name

/s/ Lily Nguyen

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 1
10 Causeway St Fl 6
Boston, MA 02222-1001

Agency Website: www.nlr.gov
Telephone: (617)565-6700
Fax: (617)565-6725

March 10, 2014

EVAN PASTER, LEAD ORGANIZER
UNITE HERE, LOCAL 26
33 HARRISON AVE., 4TH FLOOR
BOSTON, MA 02111-2008

Re: Restaurant Associates at Harvard Law School
Cases 01-CA-124043 & 01-CA-1240461

Dear Mr. Paster:

The charges that you filed in these cases on March 07, 2014 have been docketed as case numbers 01-CA-124043 & 01-CA-124061. This letter tells you how to contact the Board agent who will be investigating the charges, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: These charges are being investigated by Field Examiner Hilary A. Bede whose telephone number is (617) 565-6744. If the Board agent is not available, you may contact Deputy Regional Attorney Robert Redbord whose telephone number is (617) 565-6748.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in these cases, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charges in these cases, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charges may be dismissed without investigation.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charges.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jonathan Kreisberg", written in a cursive style.

Jonathan B. Kreisberg
Regional Director

JBK/ln

cc: RICHARD G. MCCrackEN, GENERAL COUNSEL
UNITE HERE
275 7TH AVENUE
NEW YORK, NY 10001-6708



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 1
10 Causeway St Fl 6
Boston, MA 02222-1001

Agency Website: www.nlr.gov
Telephone: (617)565-6700
Fax: (617)565-6725

April 2, 2014

DIANE KRISTEN, SENIOR LABOR COUNSEL
2400 YORKMONT ROAD
CHARLOTTE, NC 28217-4511

Re: RESTAURANT ASSOCIATES AT
HARVARD LAW SCHOOL
Case 01-CA-124043

RESTAURANT ASSOCIATES AT
HARVARD LAW SCHOOL
Case 01-CA-124061

Dear Ms. Kristen:

This is to advise you that I have approved the withdrawal of the charges in the above cases.

Very truly yours,

/s/ Jonathan B. Kreisberg

JONATHAN B. KREISBERG
Regional Director

cc:

DAVE DANELLS
GENERAL MANAGER
RESTAURANT ASSOCIATES AT
HARVARD LAW SCHOOL
1563 MASSACHUSETTS AVE
CAMBRIDGE, MA 02138

RICHARD G. MCCrackEN,
GENERAL COUNSEL
UNITE/HERE
275 7TH AVENUE
NEW YORK, NY 10001-6708

EVAN PASTER, LEAD ORGANIZER
UNITE/HERE, LOCAL 26
33 HARRISON AVE., 4TH FLOOR
BOSTON, MA 02111-2008

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

FORM EXEMPT UNDER 44 U.S.C. 3012

DO NOT WRITE IN THIS SPACE	
Case 01-CA-130874	Date Filed June 16, 2016

INSTRUCTIONS:

File an original and 4 copies of this charge with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT			
a. Name of Employer Compass Group at Harvard Law School		b. Number of Workers Employed 48	
c. Address (street, city, State, ZIP, Code)		d. Employer Representative Rebecca J. Reed	e. Telephone No. 401 174 2987
			Fax No.
f. Type of Establishment (factory, mine, wholesaler, etc.) University		g. Identify Principal Product or Service Food Service	
h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of Section 8(a), subsections (1) and (2) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices.) Within the past six months, Compass Group at Harvard Law School terminated (b) (6), (b) (7)(C) a member of UNITE HERE Local 26 and employee of Compass Group, for union activity.			
By the above and other acts, the above-named employer has interfered with, restrained, and coerced employees in the exercise of the rights guaranteed in Section 7 of the Act.			
3. Full name of party filing charge (if labor organization, give full name, including local name and number) UNITE HERE Local 26			
4a. Address (street and number, city, State, and ZIP Code) 33 Harrison Ave, Fourth Floor Boston, MA 02111		4b. Telephone No. 617 832 6699	
		Fax No. 617 426 7684	
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) UNITE HERE International Union			
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.			
By <u>[Signature]</u> (Signature of representative or person making charge)		Lead Organizer (Title, if any)	
Address <u>33 Harrison Ave, 4th Fl Boston, MA 02111</u>		Fax No. <u>617 426 7684</u> <u>617 470 6733</u> (Telephone No.)	
		Date <u>6/16/14</u>	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 1
10 Causeway St Fl 6
Boston, MA 02222-1001

Agency Website: www.nlr.gov
Telephone: (617)565-6700
Fax: (617)565-6725



Download
NLRB
Mobile App

June 17, 2014

REBECCA J. REED, LABOR RELATIONS MANAGER
COMPASS GROUP AT HARVARD LAW SCHOOL
1563 MASSACHUSETTS AVENUE
CAMBRIDGE, MA 02138

Re: COMPASS GROUP AT HARVARD LAW
SCHOOL
Case 01-CA-130874

Dear Ms. Reed:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney ALEJANDRA HUNG whose telephone number is (617)565-6737. If this Board agent is not available, you may contact Supervisory Attorney KATHLEEN F. MCCARTHY whose telephone number is (617)565-6754.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly. **Due to the nature of the allegations in the enclosed unfair labor practice charge, we have identified this case as one in which injunctive relief pursuant to Section 10(j) of the Act may be appropriate.** Therefore, in addition to investigating the merits of the unfair labor practice allegations, the Board agent will also inquire into those factors relevant to making a determination as to whether or not 10(j) injunctive relief is appropriate in this case. Accordingly,

June 17, 2014

please include your position on the appropriateness of Section 10(j) relief when you submit your evidence relevant to the investigation.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



JONATHAN B. KREISBERG
Regional Director

Enclosures:

June 17, 2014

1. Copy of Charge
2. Commerce Questionnaire

cc: ELIZABETH P. SEAMAN, UNIVERSITY ATTORNEY
HARVARD UNIVERSITY - OFFICE OF THE GENERAL COUNSEL
1350 MASSACHUSETTS AVE STE 980
CAMBRIDGE, MA 02138-3846

WILLIAM MURPHY, DIRECTOR
HARVARD UNIVERSITY, LABOR & EMPLOYEE RELATIONS
124 MT. AUBURN ST.
SUITE 480 SOUTH
CAMBRIDGE, MA 02138

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

COMPASS GROUP AT HARVARD LAW SCHOOL

Charged Party

and

UNITE HERE, LOCAL 26

Charging Party

Case 01-CA-130874

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on June 17, 2014, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

REBECCA J. REED, LABOR RELATIONS MANAGER
COMPASS GROUP AT HARVARD LAW SCHOOL
1563 MASSACHUSETTS AVENUE
CAMBRIDGE, MA 02138

ELIZABETH P. SEAMAN, UNIVERSITY ATTORNEY
HARVARD UNIVERSITY - OFFICE OF THE GENERAL COUNSEL
1350 MASSACHUSETTS AVE STE 980
CAMBRIDGE, MA 02138-3846

WILLIAM MURPHY, DIRECTOR
HARVARD UNIVERSITY, LABOR & EMPLOYEE RELATIONS
124 MT. AUBURN ST.
SUITE 480 SOUTH
CAMBRIDGE, MA 02138-

June 17, 2014

Date

Mary H. Harrington
Designated Agent of NLRB

Name

Mary H. Harrington

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 1
10 Causeway St Fl 6
Boston, MA 02222-1001

Agency Website:
www.nlr.gov
Telephone: (617)565-6700
Fax: (617)565-6725

June 17, 2014

EVAN PASTER, LEAD ORGANIZER
UNITE HERE, LOCAL 26
33 HARRISON AVE., 4TH FLOOR
BOSTON, MA 02111-2008

Re: COMPASS GROUP AT HARVARD LAW
SCHOOL
Case 01-CA-130874

Dear Mr. PASTER:

The charge that you filed in this case on June 16, 2014 has been docketed as case number 01-CA-130874. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney ALEJANDRA HUNG whose telephone number is (617)565-6737. If this Board agent is not available, you may contact Supervisory Attorney KATHLEEN F. MCCARTHY whose telephone number is (617)565-6754.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

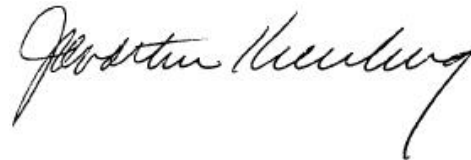
June 17, 2014

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jonathan Kreisberg", written in a cursive style.

JONATHAN B. KREISBERG
Regional Director

cc: RICHARD G. MCCrackEN, GENERAL COUNSEL
UNITE HERE
275 7TH AVENUE 11TH FLOOR
NEW YORK, NY 10001-6708

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Compass Group at Harvard Law School

and

CASE 01-CA-130874

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____

Compass Group USA, Inc.

IN THE ABOVE-CAPTIONED MATTER.

Compass Group at Harvard Law School

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Diane Kristen

MAILING ADDRESS: 2400 Yorkmont Rd., Charlotte, NC 28217

E-MAIL ADDRESS: Diane.Kristen@compass-usa.com

OFFICE TELEPHONE NUMBER: 773-682-2744

CELL PHONE NUMBER: same as above FAX: 704-295-5457

SIGNATURE: 

(Please sign in ink.)

DATE: 6/19/14

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 1
10 Causeway St Fl 6
Boston, MA 02222-1001

Agency Website: www.nlrb.gov
Telephone: (617)565-6700
Fax: (617)565-6725

CORRECTED

July 16, 2014

DIANE E. KRISTEN, SENIOR LABOR COUNSEL
COMPASS GROUP USA -- LEGAL DEPARTMENT
2400 YORKMONT RD RM 412
CHARLOTTE, NC 28217-4511

EVAN PASTER, LEAD ORGANIZER
UNITE HERE, LOCAL 26
33 HARRISON AVE., 4TH FLOOR
BOSTON, MA 02111-2008

Re: COMPASS GROUP AT HARVARD LAW
SCHOOL
Case 01-CA-130874

Dear Ms. Kristen and Mr. Paster:

The Region has carefully considered the charge alleging that COMPASS GROUP AT HARVARD LAW SCHOOL violated the National Labor Relations Act. As explained below, I have decided that further proceedings on the charge should be handled in accordance with the deferral policy of the National Labor Relations Board as set forth in *Collyer Insulated Wire*, 192 NLRB 837 (1971), and *United Technologies Corp.*, 268 NLRB 557 (1984). This letter explains that deferral policy, the reasons for my decision to defer further processing of the charge, and the Charging Party's right to appeal my decision.

Deferral Policy: The Board's deferral policy provides that the Board will postpone making a final determination on a charge when a grievance involving the same issue can be processed under the grievance/arbitration provision of the applicable contract. This policy is partially based on the preference that the parties use their contractual grievance procedure to achieve a prompt, fair, and effective settlement of their disputes. Therefore, if an employer agrees to waive contractual time limits and process the related grievance through arbitration if necessary, the Board's Regional Office will defer the charge.

Decision to Defer: Based on our investigation, I am deferring further proceedings on the charge in this matter to the grievance/arbitration process for the following reasons:

1. The Employer and UNITE HERE, LOCAL 26 have a collective-bargaining agreement currently in effect that provides for final and binding arbitration.

July 16, 2014

2. The termination of employee (b) (6), (b) (7)(C), as generally alleged in the charge, is encompassed by the terms of the collective-bargaining agreement.

3. The Employer is willing to process a grievance concerning the issues in the charge, and will arbitrate the grievance if necessary. The Employer has also agreed to waive any time limitations in order to ensure that the arbitrator addresses the merits of the dispute.

4. Since the issues in the charge appear to be covered by provisions of the collective-bargaining agreement, it is likely that the issues may be resolved through the grievance/arbitration procedure.

Further Processing of the Charge: As explained below, while the charge is deferred, the Regional office will monitor the processing of the grievance and, under certain circumstances, will resume processing of the charge.

Charging Party's Obligation: Under the Board's *Collyer* deferral policy, the Charging Party has an affirmative obligation to file a grievance, if a grievance has not already been filed. If the Charging Party fails either to promptly submit the grievance to the grievance/arbitration process or declines to have the grievance arbitrated if it is not resolved, I may dismiss the charge.

Charged Party's Conduct: If the Charged Party prevents or impedes resolution of the grievance, raises a defense that the grievance is untimely filed, or refuses to arbitrate the grievance, I will revoke deferral and resume processing of the charge.

Monitoring the Dispute: Approximately every 90 days, the Regional Office will ask the parties about the status of this dispute to determine if the dispute has been resolved and if continued deferral is appropriate. However, at any time, a party may present evidence and request dismissal of the charge, continued deferral of the charge, or issuance of a complaint.

Notice to Arbitrator Form: If the grievance is submitted to an arbitrator, please sign and submit to the arbitrator the enclosed "Notice to Arbitrator" form to ensure that the Region receives a copy of an arbitration award when the arbitrator sends the award to the parties.

Review of Arbitrator's Award or Settlement: If the grievance is arbitrated, the Charging Party may ask the Board to review the arbitrator's award. The request must be in writing and addressed to me. Under current Board law, the request should analyze whether the arbitration process was fair and regular, whether the unfair labor practice allegations in the charge were considered by the arbitrator, and whether the award is consistent with the Act. Further guidance on this review is provided in *Spielberg Manufacturing Company*, 112 NLRB 1080 (1955) and *Olin Corp.*, 268 NLRB 573 (1984). These Board decisions are available on our website, www.nlrb.gov. However, the current standard for review may change. The General Counsel's position is that the

July 16, 2014

Board should modify its approach in Section 8(a)(1) and (3) cases and should not defer to an award unless the party urging deferral demonstrates that: (1) the contract had the statutory right incorporated in it or the parties presented the statutory issue to the arbitrator; and (2) the arbitrator correctly enunciated the applicable statutory principles, and applied them in deciding the issue. The General Counsel is also taking the position that the Board should not defer to a pre-arbitral-award grievance settlement in Section 8(a)(1) and (3) cases unless the parties intended the settlement to also resolve unfair labor practice issues.

Charging Party's Right to Appeal: The Charging Party may appeal my decision to defer this charge by filing an appeal with the General Counsel of the National Labor Relations Board, through the Office of Appeals. An appeal may be filed by submitting the enclosed Appeal Form (form NLRB-4767), which is also available at www.nlr.gov. However, we encourage the Charging Party to submit a complete statement setting forth the facts and reasons why the decision to defer the charge is incorrect.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax or email. To file an appeal electronically, go to the Agency's website at www.nlr.gov, click on **E-File Documents**, enter the **NLRB Case Number**, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington, D.C. 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date and Time: The appeal is due on **July 30, 2014**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than **July 29, 2014**. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before July 30, 2014**. The request may be filed electronically through the **E-File Documents** link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after **July 30, 2014, even if it is postmarked or given to the delivery service before the**

July 16, 2014

due date. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,



JONATHAN B. KREISBERG
Regional Director

JBK:njm

Enclosures

cc: REBECCA J. REED, LABOR RELATIONS MANAGER
COMPASS GROUP AT HARVARD LAW SCHOOL
1563 MASSACHUSETTS AVENUE
CAMBRIDGE, MA 02138

RICHARD G MCCracken, GENERAL COUNSEL
UNITE HERE
275 7TH AVENUE 11TH FLOOR
NEW YORK, NY 10001-6708

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
NOTICE TO ARBITRATOR

TO: _____
(Arbitrator)

(Address)

NLRB Case Number
01-CA-130874

NLRB Case Name: COMPASS GROUP AT HARVARD LAW SCHOOL

A determination has been made by the Regional Director of Region 01 of the National Labor Relations Board to administratively defer to arbitration the further processing of the NLRB charge in the above matter. Further, both parties to the NLRB case have agreed to proceed to arbitration before you in order to resolve the dispute underlying the NLRB charge.

So that the Regional Director can be promptly informed of the status of the arbitration, the undersigned hereby requests that a copy of the arbitration award be sent to Regional Director, Region 01, 10 Causeway St Fl 6, Boston, MA 02222-1001 at the same time that it is sent to the parties in the arbitration.

(Name)

(Title)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

To: General Counsel
Attn: Office of Appeals
National Labor Relations Board
Room 8820, 1099 - 14th Street, N.W.
Washington, DC 20570-0001

Date:

I am appealing the action of the Regional Director in deferring the charge in

COMPASS GROUP AT HARVARD LAW SCHOOL

Case Name(s).

01-CA-130874

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

(Signature)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 1
10 Causeway St Fl 6
Boston, MA 02222-1001

Agency Website: www.nlrb.gov
Telephone: (617)565-6700
Fax: (617)565-6725

May 26, 2015

DIANE E. KRISTEN, ESQ., SENIOR LABOR COUNSEL
COMPASS GROUP USA -- LEGAL DEPARTMENT
2400 YORKMONT RD RM 412
CHARLOTTE, NC 28217-4511

Re: COMPASS GROUP AT HARVARD LAW
SCHOOL
Case 01-CA-130874

Dear Ms. Kristen:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

JONATHAN B. KREISBERG
Regional Director

JBK/rd

cc: REBECCA J. REED, LABOR RELATIONS MANAGER
COMPASS GROUP AT HARVARD LAW SCHOOL
1563 MASSACHUSETTS AVENUE
CAMBRIDGE, MA 02138

EVAN PASTER, LEAD ORGANIZER
UNITE HERE, LOCAL 26
33 HARRISON AVE., 4TH FLOOR
BOSTON, MA 02111-2008

RICHARD G. MCCracken, GENERAL COUNSEL
UNITE HERE
275 7TH AVENUE 11TH FLOOR
NEW YORK, NY 10001-6708

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST LABOR ORGANIZATIONS
OR ITS AGENTS

DO NOT WRITE IN THIS SPACE

Case I-CB-11295 Date Filed 11/5/2010

INSTRUCTIONS File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring

1 LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT

a Name Harvard Union of Clerical and Technical Workers	b Union Representative to contact (b) (6), (b) (7)(C)
c Address (Street, city, state, and ZIP code) 15 Mount Auburn Street Cambridge MA 02138-	d Tel No (617)661-8289 e Cell No () - f Fax No (617)661-9617 g e-Mail
h The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) (1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act	

2 Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Within the last six months, the above named labor organization has violated its duty of fair representation to (b) (6), (b) (7)(C) by failing to adequately process (b) (6), discharge grievance.

3 Name of Employer Harvard School of Public Health	4a Tel No (617)432-1000 c Fax No () -	b Cell No () - d e-Mail
5 Location of plant involved (street, city, state and ZIP code) 677 Huntington Avenue Boston MA 02115-	6 Employer representative to contact Laura T Ketchum CFO	
7 Type of establishment (factory, mine, wholesaler, etc.) Graduate School	8 Identify principal product or service Education	9 Number of workers employed 100 plus
10 Full name of party filing charge (b) (6), (b) (7)(C)	11a Tel No (b) (6), (b) (7)(C) c Fax No () -	b Cell No () - d e-Mail
11 Address of party filing charge (street, city, state and ZIP code) (b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	

I declare (b) (6), (b) (7)(C) herein are true to the best of my knowledge and belief	Tel No (b) (6), (b) (7)(C)
By (b) (6), (b) (7)(C) (Print/type name and title or office, if any)	Cell No () -
(b) (6), (b) (7)(C)	Fax No () -
Address (b) (6), (b) (7)(C) (date) 11/14/2010	(b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (b) (6), (b) (7)(C) TITLE 18, SECTION 1001

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary, however, failure to supply the information will cause the NLRB to decline to initiate its processes.

Case Service Sheet**As of 12/9/2010****Case Number:** 01-CB-11295-001**Case Name:** Harvard Union of Clerical and Technical Workers (Harvard School of Public Health)

<u>Charged Party #1 Party:</u> Harvard Union of Clerical and Technical Workers 15 Mount Auburn Street Cambridge, MA 02138 E-Mail:	<u>Point of Contact:</u> (b) (6), (b) (7)(C) Phone: (617)661-8289 Fax: (617)661-9617 Cell:
<u>Charging Party #1 Party:</u> (b) (6), (b) (7)(C) E-Mail:	<u>Point of Contact:</u> (b) (6), (b) (7)(C) Phone: (b) (6), (b) (7)(C) Fax: Cell:
<u>Employer Involved #1 Party:</u> Harvard School of Public Health 677 Huntington Avenue Boston, MA 02115 E-Mail:	<u>Point of Contact:</u> Ms. Laura T Ketchum Phone: (617)432-1000 Fax: Cell:
<u>Employer Involved #1 Legal Representative #1:</u> Designated Representative Harvard University - School of Public Health Harvard University - Office of the GC 1350 Massachusetts Avenue, Suite 980 Cambridge, MA 02138 E-Mail: elizabeth_seaman@harvard.edu	<u>Point of Contact:</u> Ms. Elizabeth Seaman Esq. Phone: (617)496-2791 Fax: (617)495-5079 Cell: (617)251-5629

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

In the Matter of Harvard Union of Clerical and Technical Workers (Harvard School of Public Health) and (b) (6), (b) (7)(C)	Case 1-CB-11295
--	-----------------

TO: (Check One Box Only)¹

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD

NATIONAL LABOR RELATIONS BOARD

Washington, DC 20570

Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF

Employer, Harvard University (School of Public Health)

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME:	<u>Elizabeth Seaman</u>		
MAILING ADDRESS:	<u>Harvard University Office of the General Counsel</u> <u>1350 Mass. Ave. Suite 980 Cambridge MA 02138</u>		
E-MAIL ADDRESS:	<u>elizabeth-seaman@harvard.edu</u>		
OFFICE TELEPHONE NUMBER:	<u>617-496-2791</u>		
CELL PHONE NUMBER:	<u>617-251-5629</u>	FAX:	<u>617-495-5079</u>
SIGNATURE:	<u>Elizabeth Seaman</u> (Please sign in ink.)		
DATE:	<u>December 8, 2010</u>		



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

Region 1 Boston, Massachusetts
10 Causeway Street, 6th Floor
Boston, MA 02222-1072
(617) 565-6700

January 31, 2011

(b) (6), (b) (7)(C)

Re: Harvard Union of Clerical and Technical Workers
(Harvard School of Public Health)
Case 1-CB-11295

Dear (b) (6), (b) (7)(C):

The Region has carefully investigated and considered your charge against Harvard Union of Clerical and Technical Workers, alleging violations under Section 8 of the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have concluded that further proceedings are not warranted, and I am dismissing your charge for the following reasons:

Your charge alleges that the Harvard Union of Clerical and Technical Workers (Union) violated Section 8(b)(1)(A) of the Act by failing to process a grievance on your behalf over your termination by the Harvard School of Public Health. The investigation did not disclose sufficient evidence to support this allegation. Rather, the investigation revealed that, in response to your letter of September 2, 2010, the Union, by letter dated September 10, 2010, requested that you contact its representatives to discuss your grievance. Further, the investigation revealed that you did not respond to the Union's request. Finally, the investigation did not reveal evidence of discrimination or arbitrary or invidious conduct on the Union's part. Therefore, I do not conclude that the Union was motivated by any discriminatory or otherwise unlawful considerations. Accordingly, further proceedings on your charge are not warranted.

Your Right to Appeal: The National Labor Relations Board Rules and Regulations permit you to obtain a review of this action by filing an appeal with the GENERAL COUNSEL of the National Labor Relations Board. Use of the Appeal Form (Form NLRB-4767) will satisfy this

requirement. However, you are encouraged to submit a complete statement setting forth the facts and reasons why you believe that the decision to dismiss your charge was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, or by delivery service. Filing an appeal electronically is preferred but not required. The appeal **MAY NOT** be filed by fax. To file an appeal electronically, go to the Agency's website at www.nlr.gov, click on **E-GOV**, select **E-Filing**, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C. 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date and Time: The appeal is due on February 14, 2011. If you file the appeal electronically, it will be considered timely filed if the transmission of the entire document through the Agency's website is accomplished **no later than 11:59 p.m. Eastern Time** on the due date. If you mail the appeal or send it by a delivery service, it must be received by the General Counsel in Washington, D.C. by the close of business at **5:00 p.m. Eastern Time** or be postmarked or given to the delivery service no later than February 13, 2011.

Extension of Time to File: Upon good cause shown, the General Counsel may grant you an extension of time to file the appeal. A request for an extension of time may be filed electronically, by fax, by mail, or by delivery service. To file electronically, go to the www.nlr.gov, click on **E-Gov**, select **E-Filing**, and follow the detailed instructions. The fax number is (202) 273-4283. A request for an extension of time to file an appeal **must be received on or before the original due date**. A request for an extension of time that is mailed or given to the delivery service and is postmarked or delivered to the service before the appeal due date but received after the appeal due date will be rejected as untimely. Unless filed electronically, a copy of any request for extension of time should be sent to me.

Confidentiality/Privilege: Please be advised that we cannot accept any limitations on the use of any appeal statement or evidence in support thereof provided to the Agency. Thus, any claim of confidentiality or privilege cannot be honored, except as provided by the FOIA, 5 U.S.C. 552, and any appeal statement may be subject to discretionary disclosure to a party upon request during the processing of the appeal. In the event the appeal is sustained, any statement or material submitted may be subject to introduction as evidence at any hearing that may be held before an administrative law judge. Because we are required by the Federal Records Act to keep copies of documents used in our case handling for some period of years after a case closes, we may be required by the FOIA to disclose such records upon request, absent some applicable exemption such as those that protect confidential source, commercial/financial information or personal privacy interests (e.g., FOIA Exemptions 4, 6, 7(C) and 7(D), 5 U.S.C. § 552(b)(4), (6), (7)(C) and 7(D)). Accordingly, we will not honor any requests to place limitations on our use of appeal statements or supporting evidence beyond those prescribed by the foregoing laws, regulations, and policies.

Notice to Other Parties of Appeal: You should notify the other party(ies) to the case that an appeal has been filed. Therefore, at the time the appeal is sent to the General Counsel, please

complete the enclosed Appeal Form (NLRB-4767) and send one copy of the form to all parties whose names and addresses are set forth in this letter.

Very truly yours,

/s/ Rosemary Pye

Rosemary Pye
Regional Director

RP:cds

Enclosures: Appeal Form
Procedures for Filing an Appeal

cc:

Mr. Bill Jaeger
Harvard Union of Clerical and Technical Workers
15 Mount Auburn Street
Cambridge, MA 02138

Ms. Laura T Ketchum
Harvard School of Public Health
677 Huntington Avenue
Boston, MA 02115

Ms. Elizabeth Seaman, Esq.
Harvard University - School of Public Health
Harvard University - Office of the GC
1350 Massachusetts Avenue, Suite 980
Cambridge, MA 02138

General Counsel, Office of Appeals
National Labor Relations Board
1099 14th Street, N.W., Room 8820
Washington, DC 20570